

IN THE CLAIMS:

Please amend claims 1, 3-17, 19-32, 34-39, 43 and 44 and add claims 46-55. Also, please cancel claim 41 without prejudice and disclaimer.

1. (currently amended) ~~A dispensing container operable for use with a cigarette package, the cigarette package being operable for storing at least one cigarette and having a wrapper encasing a portion of the cigarette package~~ An apparatus, comprising:

a cigarette package, the cigarette package being operable for storing at least one cigarette;

a wrapper, the wrapper encasing a portion of the cigarette package; and

a dispensing container for residing between the cigarette package and the wrapper, the dispensing container including

a body for storing confectionary items, the body having a top portion and a bottom portion, the bottom portion including a tapered edge, the tapered edge operable for inserting the body between the wrapper and the cigarette package, and

a door connected to the top portion of the body and operable to dispense the confectionary items stored in the body.

2. (canceled)

3. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 1, wherein

a length between the lower most portion of the body and the lower most portion of the door is a predetermined amount so that the door can be opened and the confectionary items can be extracted from the body while the body is fully inserted between the wrapper and the cigarette package.

4. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 1, wherein

the cigarette package is constructed of a substantially rigid material and has a flip top.

5. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 4, wherein

a length between the upper most portion of the body or the door and the lower most portion of the body is a predetermined amount so that the flip top can be opened and the at least one cigarette can be extracted from the cigarette package while the body is fully inserted between the wrapper and the cigarette package.

6. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 1, wherein

the confectionary items are breath freshening products.

7. (currently amended) The ~~dispensing container~~ apparatus
as set forth in claim 1, wherein

the confectionary items are chewing gum products.

8. (currently amended) The ~~dispensing container~~ apparatus
as set forth in claim 1, wherein

the confectionary items are one of hard and soft candy
products.

9. (currently amended) The ~~dispensing container~~ apparatus
as set forth in claim 1, wherein

the body and the door are made of a translucent material.

10. (currently amended) The ~~dispensing container~~ apparatus
as set forth in claim 1, wherein

the wrapper is constructed of a flexible plastic material.

11. (currently amended) The ~~dispensing container~~ apparatus
as set forth in claim 1, wherein

the cigarette package is constructed of a substantially
flexible material.

12. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 1, wherein

the height of the cigarette package is at least twice the width of the cigarette package.

13. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 1, wherein

the width of the cigarette package is greater than the height of the cigarette package.

14. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 1, wherein the body includes a first side and a second side, and further comprising:

a second door, the door being located on the first side of the body and the second door being located on the second side of the body, each door operable to dispense the confectionary items stored in the body.

15. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 1, wherein the body includes a first side and a second side, and further comprising:

a first chamber in the body for storing the confectionary items;

a second door; and

a second chamber in the body, the door being located on the first side of the body and operable to dispense the confectionary items stored in the first chamber and the second door being located on the second side of the body and operable to dispense items stored in the second chamber.

16. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 1, further comprising:

a hinge for connecting the door to the body.

17. (currently amended) ~~A dispensing container operable for use with a cigarette package, the cigarette package being operable for storing at least one cigarette and having a wrapper encasing a portion of the cigarette package~~ An apparatus, comprising:

a cigarette package having a flip top, the cigarette package being operable for storing at least one cigarette;

a wrapper, the wrapper encasing a portion of the cigarette package; and

a dispensing container for residing between the cigarette package and the wrapper, the dispensing container including

a body for storing confectionary items, the body having a top portion and a bottom portion, the bottom portion including a

tapered edge, the tapered edge operable for inserting the body between the wrapper and the cigarette package₇, and

a door connected to the top portion of the body and operable to dispense the confectionary items stored in the body,

a length between the lower most portion of the body and the lower most portion of the door being a predetermined amount so that the confectionary items can be extracted from the body while the body is fully inserted between the wrapper and the cigarette package.

18. (canceled)

19. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 17, wherein

the confectionary items are breath freshening products.

20. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 17, wherein

the confectionary items are chewing gum products.

21. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 17, wherein

the confectionary items are one of hard and soft candy products.

22. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 17, wherein

the body and the door are made of a translucent material.

23. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 17, wherein

the wrapper is constructed of a flexible plastic material.

24. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 17, further comprising:

a hinge for connecting the door to the body.

25. (currently amended) ~~A dispensing container operable for use with a cigarette package, the cigarette package being operable for storing at least one cigarette and having a flip top and a wrapper encasing a portion of the cigarette package~~ An apparatus, comprising:

a cigarette package having a flip top, the cigarette package being operable for storing at least one cigarette;

a wrapper, the wrapper encasing a portion of the cigarette package; and

a dispensing container for residing between the cigarette package and the wrapper, the dispensing container including

a body for storing confectionary items, the body having a top portion and a bottom portion, the bottom portion including a tapered edge, the tapered edge operable for inserting the body between the wrapper and the cigarette package⁷, and

a door connected to the top portion of the body and operable to dispense the confectionary items stored in the body, a length between the upper most portion of the body or the door and the lower most portion of the body being a predetermined amount so that the flip top of the cigarette package can be opened and the at least one cigarette can be extracted from the cigarette package while the body is fully inserted between the wrapper and the cigarette package.

26. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 25, wherein

the confectionary items are breath freshening products.

27. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 25, wherein

the confectionary items are chewing gum products.

28. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 25, wherein

the confectionary items are one of hard and soft candy products.

29. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 25, wherein

the body and the door are made of a translucent material.

30. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 25, wherein

the wrapper is constructed of a flexible plastic material.

31. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 25, further comprising:

a hinge for connecting the door to the body.

32. (currently amended) ~~A dispensing container operable for use with a cigarette package, the cigarette package being operable for storing at least one cigarette and having a flip top and a wrapper encasing a portion of the cigarette package~~ An apparatus, comprising:

a cigarette package having a flip top, the cigarette package being operable for storing at least one cigarette;

a wrapper, the wrapper encasing a portion of the cigarette package; and

a dispensing container for residing between the cigarette package and the wrapper, the dispensing container including

a body for storing confectionary items, the body having a top portion and a bottom portion, the bottom portion including a tapered edge, the tapered edge operable for inserting the body between the wrapper and the cigarette package,

a hinge, and

a door connected to the top portion of the body by the hinge and operable to dispense the confectionary items stored in the body,

a length between the uppermost portion of the body or the door and the lower most portion of the body being a predetermined amount so that the flip top of the cigarette package can be opened and the at least one cigarette can be extracted from the cigarette package while the body is fully inserted between the wrapper and the cigarette package, and

a length between the lower most portion of the body and the lower most portion of the door being a predetermined amount so that the confectionary items can be extracted from the body while the body is fully inserted between the wrapper and the cigarette package.

33. (canceled)

34. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 32, wherein

the confectionary items are breath freshening products.

35. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 32, wherein

the confectionary items are chewing gum products.

36. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 32, wherein

the confectionary items are one of hard and soft candy products.

37. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 32, wherein

the body and the door are made of a translucent material.

38. (currently amended) The ~~dispensing container~~ apparatus as set forth in claim 32, wherein

the wrapper is constructed of a flexible plastic material.

39. (currently amended) ~~A dispensing container operable for use with a cigarette package, the cigarette package being operable for storing at least one cigarette and having a flip~~

~~top and a wrapper encasing a portion of the cigarette package,~~
comprising:

a cigarette package having a flip top, the cigarette package being operable for storing at least one cigarette;

a wrapper, the wrapper encasing a portion of the cigarette package; and

a dispensing container for residing between the cigarette package and the wrapper, the dispensing container including

a body for storing confectionary items, the body operable for insertion between the wrapper and the cigarette package, the body defined by

a top wall,

a pair of side walls,

a bottom wall,

a front wall having a first lower tapered edge and

a back wall having a second lower tapered edge,

a hinge, and

a door connected to the body by the hinge and operable to dispense the confectionary items stored in the body,

a length between the top wall and the bottom wall being a predetermined amount so that the flip top of the cigarette package can be opened and the at least one cigarette can be extracted from the cigarette package while the body is fully inserted between the wrapper and the cigarette package, and

a length between the bottom wall and the lower most portion of the door being a predetermined amount so that the confectionary items can be extracted from the body while the body is fully inserted between the wrapper and the cigarette package.

40-42. (canceled)

43. (currently amended) ~~A dispensing container operable for use with a cigarette package, the cigarette package being operable for storing at least one cigarette and having a flip top and a wrapper encasing a portion of the cigarette package~~ An apparatus, comprising:

a cigarette package having a flip top, the cigarette package being operable for storing at least one cigarette;

a wrapper, the wrapper encasing a portion of the cigarette package; and

a dispensing container for residing between the cigarette package and the wrapper, the dispensing container including

a body for storing confectionary items, the body having a top portion and a bottom portion, and

a door connected to the top portion of the body and operable to dispense the confectionary items stored in the body,

a length between the upper most portion of the body or the door and the lower most portion of the body being a predetermined amount so that the flip top of the cigarette package can be opened and the at least one cigarette can be extracted from the cigarette package while the body is fully inserted between the wrapper and the cigarette package.

44. (currently amended) ~~A dispensing container operable for use with a cigarette package, the cigarette package being operable for storing at least one cigarette and having a flip top and a wrapper encasing a portion of the cigarette package~~ An apparatus, comprising:

a cigarette package having a flip top, the cigarette package being operable for storing at least one cigarette;

a wrapper, the wrapper encasing a portion of the cigarette package; and

a dispensing container for residing between the cigarette package and the wrapper, the dispensing container including

a body for storing confectionary items, the body having a top portion and a bottom portion, and

a door connected to the top portion of the body and operable to dispense the confectionary items stored in the body,

a length between the upper most portion of the body or the door and the lower most portion of the body being a

predetermined amount so that the flip top of a cigarette package can be opened and the at least one cigarette can be extracted from the cigarette package while the body is fully inserted between the wrapper and the cigarette package, and

a length between the lower most portion of the body and the lower most portion of the door being a predetermined amount so that the confectionary items can be extracted from the body while the body is fully inserted between the wrapper and the cigarette package.

45. (canceled)

46. (new) The apparatus as set forth in claim 1, wherein the tapered edge tapers to a single edge one of coplanar or substantially coplanar with a side of the body.

47. (new) The apparatus as set forth in claim 17, wherein the tapered edge tapers to a single edge one of coplanar or substantially coplanar with a side of the body.

48. (new) The apparatus as set forth in claim 25, wherein the tapered edge tapers to a single edge one of coplanar or substantially coplanar with a side of the body.

49. (new) The apparatus as set forth in claim 32, wherein the tapered edge tapers to a single edge one of coplanar or substantially coplanar with a side of the body.

50. (new) The apparatus as set forth in claim 39, wherein the tapered edge tapers to a single edge one of coplanar or substantially coplanar with a side of the body.

51. (new) A method for using a cigarette package having a flip top and a wrapper encasing a portion of the cigarette package in conjunction with a dispensing container, the method comprising:

fully inserting the dispensing container between the rear side of the cigarette package and the wrapper;

opening the flip top of the cigarette package while the dispensing container remains fully inserted between the wrapper and the cigarette package to remove at least one cigarette stored in the cigarette package; and

opening a door of the dispensing container while the dispensing container remains fully inserted between the wrapper and the cigarette package to remove at least one confectionary item stored in the dispensing container.

52. (new) A dispensing container, comprising:

a body for storing confectionary items, the body having a front wall and a back wall, wherein

the front wall and the back wall are parallel in a top portion of the body, and

the front wall and the back wall taper to a single edge in a bottom portion of the body; and

a door connected to the top portion of the body and operable to dispense the confectionary items stored in the body.

53. (new) The dispensing container as set forth in claim 52, wherein

the single edge is one of coplanar or substantially coplanar with one of the front wall or the back wall of the body.

54. (new) A dispensing container, comprising:

a body for storing confectionary items, the body defined by a top wall, a pair of side walls, a bottom wall, a front wall and a back wall; and

a door connected to the body and operable to dispense the confectionary items stored in the body,

a length from the top wall to the bottom wall being less than a length from a bottom of a cigarette package having a flip

top to a hinge connecting the flip top to the cigarette package,
and

a length from the top wall to the bottom wall being greater
than a length from the bottom of the cigarette package to the
top edge of a wrapper encasing the cigarette package.

55. (new) A dispensing container, comprising:

a body for storing confectionary items, the body defined by
a top wall, a pair of side walls, a bottom wall, a front wall
and a back wall; and

a door connected to the body and operable to dispense the
confectionary items stored in the body,

a length from the bottom wall to the bottom most portion of
the door being greater than or equal to 2.1 inches, and

a length from the bottom wall to the top wall or to the
upper most portion of the door being less than or equal to 2.9
inches.